

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1286

Introduced by Senator Ducheny

February 14, 2006

An act to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1286, as amended, Ducheny. ~~Calexico-Mexicali Air Basin: binational air quality.~~ *Binational air pollution.*

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would, upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California and the City of Mexicali that establishes a binational council to address air quality issues in the ~~Calexico-Mexicali Air Basin~~ *binational air basin that encompasses the cities of Calexico, California and Mexicali, Baja California*, specify the membership of the California delegation to the binational council. The bill would require the binational council's meetings to be open to the public and require the binational council to perform specified functions, including, but not limited to, identifying and

recommending to the state and local governments of both California and Baja California strategies and actions that could be taken to improve air quality within the Calexico-Mexicali Air Basin. The bill would also require the binational council to establish certain basinwide goals.

~~Because this bill would require local agencies to perform specified functions, this bill would create a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9 (commencing with Section 39950) is
2 added to Part 2 of Division 26 of the Health and Safety Code, to
3 read:

4

5 CHAPTER 9. BINATIONAL AIR POLLUTION

6

7 39950. (a) Upon the execution of a memorandum of
8 understanding between any state agency, the County of Imperial,
9 the State of Baja California and the City of Mexicali that
10 establishes a binational council to address air quality issues in the
11 ~~Calexico-Mexicali Air Basin~~ *binational air basin that*
12 *encompasses the cities of Calexico, California, and Mexicali,*
13 *Baja California*, all of the following shall apply:

14 (1) The membership of the California ~~representatives~~
15 *delegation* shall be as follows:

16 (A) The chairperson of the state board.

17 (B) The Imperial County ~~Public Health Officer~~ *Director of*
18 *Public Health Services*.

19 (C) The Imperial County Air Pollution Control Officer.

20 (D) One member of the Imperial County Board of Supervisors,
21 as designated by the board.

1 (E) ~~Three~~Two public members appointed by the Imperial
2 County Board of Supervisors.

3 (F) *The Chair of the Imperial Irrigation District Board of*
4 *Directors or his or her designee*

5 (2) The chairperson of the state board shall serve as the chair
6 of the California delegation to the binational council.

7 (3) The Secretary for Environmental Protection and the
8 Secretary for the United States Environmental Protection Agency
9 shall be invited to participate as nonvoting, ex officio members
10 of the council.

11 (4) The council's meetings shall be open to the public.

12 (b) In case of conflict between this section and the ~~MOU~~
13 *memorandum of understanding*, the provisions of this section
14 shall apply.

15 39951. (a) The binational council may sponsor conferences,
16 symposiums, and other public forums, to seek a broad range of
17 public advice when establishing priorities for ~~addressing air~~
18 ~~quality issues within the California-Mexico border region~~
19 *improving air quality within the binational air basin.*

20 (b) The council shall do all of the following:

21 (1) Assist in the coordination of activities by state and local
22 agencies on both sides of the border between California and
23 Mexico, relating to the protection and regulation of air quality.

24 (2) Establish policies to coordinate the collection and sharing
25 of scientific data related to air pollution and air quality protection
26 measures.

27 (3) Identify and recommend to the state and local governments
28 of both California and Baja California changes in law needed to
29 achieve the goals of this chapter.

30 (4) Identify and recommend to the state and local governments
31 of both California and Baja California strategies and actions that
32 could be taken to improve air quality within the
33 Calexico-Mexicali Air Basin.

34 (5) Identify changes in federal law and policy of both the
35 United States and Mexico that are necessary to achieve the goals
36 of this chapter and to improve air quality within the
37 Calexico-Mexicali Air Basin.

38 39952. The binational council shall, pursuant to specific
39 processes and parameters established in the ~~MOU~~ *established in*
40 *the memorandum of understanding* that establishes the binational

1 council, establish basin-wide goals to assist the—state
2 governments, local governments, and regulatory bodies of the
3 border region state and local governments to do all of the
4 following:

5 (a) Achieve ambient air quality standards for the
6 ~~Calexico-Mexicali Air Basin~~ *binational air basin*.

7 (b) Monitor ambient air pollutant concentrations in the
8 ~~Calexico-Mexicali Air Basin~~ *binational air basin*.

9 (c) Develop and maintain a valid emissions inventory for the
10 ~~Calexico-Mexicali Air Basin~~ *binational air basin*, updated and
11 disaggregated as practicable.

12 (d) Conduct basin-wide air quality modeling to identify
13 appropriate control strategies for attainment of ambient air
14 quality standards.

15 (e) ~~Develop health parameters and monitor health status~~
16 *Monitor the health* of residents to track the incidence of adverse
17 ~~health effects of populations within the border region health~~
18 *problems within the binational air basin*.

19 (f) Establish instruments to promote and achieve voluntary
20 compliance and emission reductions.

21 (g) Promote partnerships between and among industry and
22 regulatory authorities on both sides of the border to pursue
23 economic incentives according to each country's laws.

24 (h) Investigate opportunities for pursuing, and seek
25 authorization from respective state and federal governments to
26 pursue, strategies such as intranational and international emission
27 trading that facilitates the achievement of environmental and
28 public health goals.

29 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
30 ~~Section 6 of Article XIII B of the California Constitution because~~
31 ~~a local agency or school district has the authority to levy service~~
32 ~~charges, fees, or assessments sufficient to pay for the program or~~
33 ~~level of service mandated by this act, within the meaning of~~
34 ~~Section 17556 of the Government Code.~~